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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,143	10/22/1999	JOHN WAINWRIGHT	49658-034	1474
29989	7590	02/04/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 1600 WILLOW STREET SAN JOSE, CA 95125			HARRISON, CHANTE E	
		ART UNIT		PAPER NUMBER
		2672		
DATE MAILED: 02/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/426,143	WAINWRIGHT, JOHN
Examiner	Art Unit	
Chante Harrison	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ . 6)  Other: \_\_\_\_\_ .

### **DETAILED ACTION**

1. This action is responsive to communications: Appeal Brief, filed on 8/19/03.
  
2. Claims 1-20 are pending in the case. Claims 1, 8, 12, and 18 are independent claims.

#### ***Response to Arguments***

1. In view of the appeal brief filed on 8/19/03, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by John Merrill et al., U.S. Publication 62002/0008703 A1, 1/2002.

As per independent claim 1, Merrill discloses detecting that a statement contains an operation identifier, pattern-matching criteria, and attribute identifier... (pp. 13, Para 168-169; pp. 19, Para 324-327), and executing the statement by identifying all objects associated with identifiers that satisfy pattern matching criteria (pp. 20, Para 340), performing the operation on the objects (pp. 20, Para 341). Merrill inherently discloses a statement that is executed by identifying identifiers and performing operations on the object as he specifically discloses processing a script that identifies an agent object (i.e.

operation identifier) having an associated property (i.e. attribute identifier) and outputs the behavior (i.e. operation) of the object as specified by the script command. The citation in Merrill's disclosure corresponding to the claim feature, executing a statement by identifying all objects associated with identifiers, is interpreted as having one object identified as associated with identifiers out of all possible objects.

As per dependent claim 2, Merrill discloses a first character string containing a wild card character and that specifies pattern-matching criteria (pp. 10, Para 128, 129; pp. 13, Para 156 "Clients...access...animation...using...agent object's interface"; pp. 13, Para 169) and that specifies pattern-matching criteria (pp. 20, Para 340).

As per dependent claim 3, Merrill discloses the first string of characters as part of a second string of characters and the second string of characters including an attribute identifier in a format that conforms to object-dot notation (pp. 19, Para 324).

As per dependent claim 4, Merrill discloses identifying a set of graphical components associated with identifiers..., and performing an operation on the attribute of each component in the set (pp.7, Para 87-88) .

As per dependent claim 5, Merrill discloses a scripting language (col. 10, ll. 50-60) and a script processor (pp. 1, Para 11; Fig. 12).

As per dependent claim 6, Merrill discloses the script processor is part of a CAD system and the step of identifying is performed by identifying objects within said CAD system that are associated with an identifier that matches said pattern matching criteria (abstract).

As per dependent claim 7, Merrill discloses the statement containing pattern matching criteria for a hierarchical identifier (pp. 11, Para 142).

As per independent claim 8, Merrill discloses identifying an attribute of a member of a collection of objects (pp. 23, Para 419). Claim 8 claims a method as claimed in claim 1, therefore the rational applied in the rejection of claim 1 applies herein.

As per dependent claims 9 and 19, Merrill discloses a collection of objects is an array (pp. 11, Para 141).

As per dependent claims 10 and 20, Merrill discloses said collection of objects (i.e. container objects) includes all instances of a native type (i.e. object properties) of graphical components... (pp. 12, Para 144, Para 150).

As per dependent claim 11, Merrill discloses said native type (i.e. property) is a map type of graphical components, wherein a map type defines a surface (pp. 9-10, Para 119) "COM interfaces allow the...system to obtain information about the character

in general...they provide access to all of the character's properties..." (pp. 11, Para 140 "A property is an attribute, such as a color..."). Merrill inherently discloses a map type of graphical component as he teaches properties having different types (pp. 11, Para 141), and defining all object attributes including color, which represents the color of the animated object surface.

As per independent claim 12, Merrill discloses computer readable medium (pp. 23, Para 420) for performing the method claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

As per dependent claims 13-17, refer to the above rejections as applied to claims 2-6, respectively.

As per independent claim 18, Merrill discloses computer readable medium (pp. 23, Para 420) for performing the method claim 8. Therefore the rationale applied in the rejection of claim 8 applies herein.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Chante Harrison  
Examiner  
Art Unit 2672

January 22, 2004



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600